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8 Attorneys for Plaintiff
9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
12 EASTERN DIVISION
13

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 CALIFORNIA STEM CELL
TREATMENT CENTER, INC.,
18 *et al.*

19 Defendants.

No. 5:18-CV-01005-JBG-KKx

Hon. Jesus G. Bernal

**PLAINTIFF'S UNOPPOSED MOTION
FOR LEAVE TO FILE MOTION FOR
SUMMARY JUDGMENT AND REPLY
IN EXCESS OF PAGE LIMITS**

Motion Filing Deadline: July 8, 2019

Motion Hearing Deadline: August 5, 2019

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23 Plaintiff United States of America hereby moves for entry of an order granting leave
24 to file a Motion for Summary Judgment ("Motion") and Reply that exceed the 25-page
25 and 12-page limitations imposed by Local Rule 11-6 and ¶9(b) of the Court's Standing
26 Order. Defendants California Stem Cell Treatment Center, Inc., Cell Surgical Network
27 Corporation, Elliot B. Lander, M.D., and Mark Berman, M.D., through their counsel, do
28

1 not oppose this motion.

2 Good cause exists to grant this motion, in support of which the Plaintiff states as
3 follows:

4 1. Local Rule 11-6 prohibits the parties from filing memoranda that exceed 25
5 pages in length, excluding indices and exhibits, without prior permission of the Court.
6 Paragraph 9(b) of the Court's Standing Order limits replies to 12 pages.

7 2. The United States is filing a Motion for Summary Judgment addressing four
8 defendants and their manufacturing operations. For the sake of efficiency, Plaintiff has
9 addressed all of the operations and issues for all four Defendants in the same motion.

10 3. Due to multiple statutory and regulatory regimes involved, it has not been
11 possible to limit the Motion to 25 pages. For instance, the Motion addresses the
12 complex interplay among the Federal Food, Drug, and Cosmetic Act and related
13 regulations pertaining to, among other things, adulteration, misbranding, and current
14 good manufacturing practice (cGMP); the Public Health Service Act and related
15 regulations pertaining to the treatment of human cells, tissues, and cellular or tissue-
16 based products (HCT/Ps); various legal theories presented by Defendants; and the results
17 of inspections at Defendants' facilities.

18 5. Defendants represent that they, similarly, anticipate filing an Opposition to
19 Plaintiff's Motion for Summary Judgment and may require a commensurate page length
20 to adequately respond to the arguments advanced in the United States' Motion. The
21 United States expects to file a Reply to Defendants' Opposition that responds as
22 concisely as the subject matter permits.

23 6. Plaintiff respectfully submits that the Court will be aided by a thorough
24 presentation of the issues by both parties, necessitating the requested enlargement of the
25 25-page limit for memoranda of law to 40 pages, and enlarging the 12-page limit for
26 replies to 15 pages.

27 7. Neither side will be prejudiced by the relief sought.
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1 WHEREFORE, Plaintiff United States requests that the Court enter the enclosed
2 proposed order enlarging the page limit for Plaintiff's Motion for Summary Judgment, as
3 well as Defendants' Opposition thereto, to 40 pages, and enlarging the page limit for
4 Plaintiff's Reply to 15 pages.

5
6 **STATEMENT OF CONFERENCE OF THE PARTIES**

7 This motion is made following the conference of undersigned counsel with
8 counsel for Defendants, Matthew M. Gurvitz of Venable LLP, which took place on
9 Tuesday, June 11, 2019. Defendants do not oppose Plaintiff's motion, provided that
10 they receive a commensurate enlargement of the page limitations for their Opposition if
11 the Court grants Plaintiff's request.

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13 Dated: June 21, 2019

Respectfully submitted,

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15 /s/ Natalie N. Sanders

16 NATALIE N. SANDERS

17 Attorney for Plaintiff
18 UNITED STATES OF AMERICA
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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of June 2019, I electronically filed a true and correct copy of the foregoing PLAINTIFF'S UNOPPOSED MOTION FOR LEAVE TO FILE MOTION FOR SUMMARY JUDGMENT AND REPLY IN EXCESS OF PAGE LIMITS through the Court's CM/ECF system, which will send a notice of electronic filing to the following:

Celeste M. Brecht
Matthew M. Gurvitz
Norma N. King
Witt W. Chang
VENABLE LLP

/s/ Natalie N. Sanders
NATALIE N. SANDERS